

109TH CONGRESS  
2D SESSION

# S. 3507

To establish a National Commission on Entitlement Solvency.

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IN THE SENATE OF THE UNITED STATES

JUNE 14, 2006

Mr. CORNYN introduced the following bill; which was read twice and referred  
to the Committee on Finance

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## A BILL

To establish a National Commission on Entitlement Solvency.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Commission  
5       on Entitlement Solvency Act of 2006”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) ADMINISTRATOR.—The term “Adminis-  
9       trator” means the Administrator of the Centers for  
10       Medicare & Medicaid Services.

11              (2) CALENDAR DAY.—The term “calendar day”  
12       means a calendar day other than such a day in

1       which either House is not in session because of an  
2       adjournment of more than 3 days to a date certain.

3           (3) COMMISSION.—The term “Commission”  
4       means the National Commission on Entitlement Sol-  
5       vency established under section 3(a).

6           (4) COMMISSION BILL.—The term “Commission  
7       bill” means a bill consisting of the proposed legisla-  
8       tive language provisions of the Commission intro-  
9       duced under section 4(a).

10          (5) COMMISSIONER.—The term “Commis-  
11       sioner” means the Commissioner of Social Security.

12          (6) LONG-TERM.—The term “long-term” means  
13       a period of not less than 75 years beginning on the  
14       date of enactment of this Act.

15          (7) MEDICARE.—The term “Medicare” means  
16       the program established under title XVIII of the So-  
17       cial Security Act (42 U.S.C. 1395 et seq.).

18          (8) SOCIAL SECURITY.—The term “Social Secu-  
19       rity” means the program of old-age, survivors, and  
20       disability insurance benefits established under title  
21       II of the Social Security Act (42 U.S.C. 401 et  
22       seq.).

23          (9) SOLVENCY.—The term “Solvency” means—  
24                (A) in relation to Social Security, any year  
25       in which the balance ratio (as defined under

1 section 709(b) of the Social Security Act (42  
 2 U.S.C. 910(b)) of the Federal Old-Age and  
 3 Survivors Insurance Trust Fund and the Fed-  
 4 eral Disability Insurance Trust Fund estab-  
 5 lished under section 201 of the Social Security  
 6 Act (42 U.S.C. 401) is greater than zero; and

7 (B) in relation to the Medicare program,  
 8 any year in which there is not excess general  
 9 revenue medicare funding (as defined in section  
 10 801(c)(1) of the Medicare Prescription Drug,  
 11 Improvement, and Modernization Act of 2003  
 12 (Public Law 108–173; 117 Stat. 2358)).

13 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

14 (a) ESTABLISHMENT.—There is established a com-  
 15 mission to be known as the “National Commission on En-  
 16 titlement Solvency”.

17 (b) PURPOSE.—The Commission shall conduct a  
 18 comprehensive review of the Social Security and Medicare  
 19 programs for the following purposes:

20 (1) REVIEW.—Reviewing relevant analyses of  
 21 the current and long-term actuarial financial condi-  
 22 tion of the Social Security and Medicare programs.

23 (2) IDENTIFYING PROBLEMS.—Identifying  
 24 problems that may threaten the long-term solvency  
 25 of the Social Security and Medicare programs.

1           (3) ANALYZING POTENTIAL SOLUTIONS.—Ana-  
2       lyzing potential solutions to problems that threaten  
3       the long-term solvency of the Social Security and  
4       Medicare programs.

5           (4) PROVIDING RECOMMENDATIONS.—Providing  
6       recommendations that will ensure the long-term sol-  
7       vency of the Social Security and Medicare programs  
8       and the provision of appropriate benefits.

9       (c) DUTIES.—

10           (1) IN GENERAL.—The Commission shall con-  
11       duct a comprehensive review of the Social Security  
12       and Medicare programs consistent with the purposes  
13       described in subsection (b) and shall submit the re-  
14       port required under paragraph (2).

15           (2) REPORT AND RECOMMENDATIONS.—

16           (A) IN GENERAL.—Not later than May 1,  
17       2007, the Commission shall submit a report on  
18       the long-term solvency of the Social Security  
19       and Medicare programs that contains a detailed  
20       statement of the findings, conclusions, and rec-  
21       ommendations of the Commission to the Presi-  
22       dent, Congress, the Commissioner, and the Ad-  
23       ministrator.

24           (B) FINDINGS, CONCLUSIONS, AND REC-  
25       OMMENDATIONS.—A finding, conclusion, or rec-

ommendation of the Commission shall be included in the report under subparagraph (A) only if not less than 10 members of the Commission voted for such finding, conclusion, or recommendation.

(C) LEGISLATIVE LANGUAGE.—If a recommendation submitted under subparagraph (A) involves legislative action, the report shall include proposed legislative language to carry out such action.

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members of whom—

(A) three shall be appointed by the President;

(B) three shall be appointed by the majority leader of the Senate;

(C) three shall be appointed by the minority leader of the Senate;

(D) three shall be appointed by the Speaker of the House of Representatives; and

(E) three shall be appointed by the minority leader of the House of Representatives.

1           (2) CO-CHAIRPERSONS.—The President shall  
2     designate 2 Co-chairpersons from among the mem-  
3     bers of the Commission appointed under paragraph  
4     (1)(A), neither of whom may be affiliated with the  
5     same political party.

6           (3) DATE.—Members of the Commission shall  
7     be appointed by not later than 30 days after the  
8     date of enactment of this Act.

9           (4) PERIOD OF APPOINTMENT.—Members shall  
10    be appointed for the life of the Commission. Any va-  
11    cancy in the Commission shall not affect its powers,  
12    but shall be filled in the same manner as the origi-  
13    nal appointment.

14          (5) TERMINATION.—The Commission shall ter-  
15    minate on the date that is 90 days after the Com-  
16    mission submits the report required under sub-  
17    section (c)(2).

18          (e) ADMINISTRATION.—

19           (1) QUORUM.—Eight members of the Commis-  
20    sion shall constitute a quorum for purposes of vot-  
21    ing, but a quorum is not required for members to  
22    meet and hold hearings.

23           (2) MEETINGS.—The Commission shall meet at  
24    the call of the Co-chairpersons or a majority of its  
25    members.

1           (3) HEARINGS.—The Commission may, for the  
2           purpose of carrying out this section—

3                   (A) hold such hearings, sit and act at such  
4                   times and places, take such testimony, receive  
5                   such evidence, and administer such oaths the  
6                   Commission considers advisable;

7                   (B) require, by subpoena or otherwise, the  
8                   attendance and testimony of such witnesses the  
9                   Commission considers advisable; and

10                  (C) require, by subpoena or otherwise, the  
11                  production of such books, records, correspond-  
12                  ence, memoranda, papers, documents, tapes,  
13                  and other evidentiary materials relating to any  
14                  matter under investigation by the Commission.

15           (4) SUBPOENAS.—

16                   (A) ISSUANCE.—

17                           (i) IN GENERAL.—A subpoena may be  
18                           issued under this subsection only—

19                                   (I) by the agreement of the Co-  
20                                   chairpersons of the Commission; or

21                                   (II) by the affirmative vote of 8  
22                                   members of the Commission.

23                           (ii) SIGNATURE.—Subpoenas issued  
24                           under this subsection maybe issued under

1 the signature of the Co-chairpersons of the  
2 Commission and may be served—

3 (I) by any person designated by  
4 the Co-chairpersons; or

5 (II) by a member designated by a  
6 majority of the Commission.

7 (B) ENFORCEMENT.—In the case of contu-  
8 macy or failure to obey a subpoena issued  
9 under this subsection, the United States district  
10 court for the judicial district in which the sub-  
11 poenaed person resides, is served, or may be  
12 found, may issue an order requiring such per-  
13 son to appear at any designated place to testify  
14 or to produce documentary or other evidence.  
15 Any failure to obey the order of the court may  
16 be punished by the court as a contempt of that  
17 court.

18 (5) COMPENSATION.—Members of the Commis-  
19 sion shall serve without any additional compensation  
20 for their work on the Commission. However, mem-  
21 bers may be allowed travel expenses, including per  
22 diem in lieu of subsistence, in accordance with sec-  
23 tions 5702 and 5703 of title 5, United States Code,  
24 while away from their homes or regular places of



1 business in performance of services for the Commis-  
2 sion.

3 (6) STAFF.—

4 (A) DIRECTOR.—The Commission shall  
5 have a staff headed by an Executive Director.

6 (B) STAFF APPOINTMENT.—The Executive  
7 Director may appoint such personnel as the Ex-  
8 ecutive Director and the Commission deter-  
9 mines to be appropriate.

10 (C) ACTUARIAL EXPERTS AND CONSULT-  
11 ANTS.—With the approval of the Commission,  
12 the Executive Director may procure temporary  
13 and intermittent services under section 3109(b)  
14 of title 5, United States Code.

15 (D) FEDERAL AGENCIES.—

16 (i) DETAIL OF GOVERNMENT EMPLOY-  
17 EES.—Upon the request of the Commis-  
18 sion, the head of any Federal agency may  
19 detail, without reimbursement, any of the  
20 personnel of such agency to the Commis-  
21 sion to assist in carrying out the duties of  
22 the Commission. Any such detail shall not  
23 interrupt or otherwise affect the civil serv-  
24 ice status or privileges of the Federal em-  
25 ployee.

1                   (ii) TECHNICAL ASSISTANCE.—Upon  
2                   the request of the Commission, the head of  
3                   a Federal agency shall provide such tech-  
4                   nical assistance to the Commission as the  
5                   Commission determines to be necessary to  
6                   carry out its duties.

7                   (E) RESOURCES.—The Commission shall  
8                   have reasonable access to materials, resources,  
9                   statistical data, and other information the Com-  
10                  mission determines to be necessary to carry out  
11                  its duties from the Library of Congress, the  
12                  Chief Actuary of Social Security, the Chief Ac-  
13                  tuary of the Centers for Medicare & Medicaid  
14                  Services, the Congressional Budget Office, and  
15                  other agencies and representatives of the execu-  
16                  tive and legislative branches of the Federal  
17                  Government. The Chairpersons shall make re-  
18                  quests for such access in writing when nec-  
19                  essary.

20               (f) FUNDING.—The Commission shall receive, from  
21               amounts appropriated to the Commissioner and the Ad-  
22               ministrator, respectively, for fiscal year 2007 for adminis-  
23               trative expenses, such sums as are necessary to carry out  
24               the purposes of this section.

1 **SEC. 4. EXPEDITED CONSIDERATION OF COMMISSION REC-**  
2 **COMMENDATIONS.**

3 (a) INTRODUCTION AND COMMITTEE CONSIDER-  
4 ATION.—

5 (1) INTRODUCTION.—The aggregate legislative  
6 language provisions submitted pursuant to section  
7 3(c)(2)(C) shall be combined into a Commission bill  
8 and shall be introduced in the Senate by the major-  
9 ity leader, and in the House of Representatives, by  
10 the Speaker. Upon such introduction, the Commis-  
11 sion bill shall be referred to the appropriate commit-  
12 tees of Congress under paragraph (2). If the Com-  
13 mission bill is not introduced in accordance with the  
14 preceding sentence, then any member of Congress  
15 may introduce the Commission bill in their respec-  
16 tive House of Congress beginning on the date that  
17 is the 5th calendar day that such House is in session  
18 following the date of the submission of such aggre-  
19 gate legislative language provisions.

20 (2) COMMITTEE CONSIDERATION.—

21 (A) REFERRAL.—A Commission bill intro-  
22 duced in the Senate shall be referred to the  
23 Committee on Finance of the Senate. A Com-  
24 mission bill introduced in the House of Rep-  
25 resentatives shall be referred to the Committee  
26 on Ways and Means and the Committee on En-

ergy and Commerce of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Commission bill, each Committee of Congress to which the Commission bill was referred shall report the bill or a committee amendment thereto.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission bill has not reported such Commission bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission bill, and such Commission bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 7 calendar days after the date on which a committee has been discharged from consideration of a Commission bill, the majority leader of the Senate, or the majority leader's designee, or the

1 Speaker of the House of Representatives, or the  
2 Speaker's designee, shall move to proceed to the  
3 consideration of the committee amendment to  
4 the Commission bill, and if there is no such  
5 amendment, to the Commission bill. It shall  
6 also be in order for any member of the Senate  
7 or the House of Representatives, respectively, to  
8 move to proceed to the consideration of the  
9 Commission bill at any time after the conclu-  
10 sion of such 7-day period.

11 (B) MOTION TO PROCEED.—A motion to  
12 proceed to the consideration of a Commission  
13 bill is highly privileged in the House of Rep-  
14 resentatives and is privileged in the Senate and  
15 is not debatable. The motion is not subject to  
16 amendment, to a motion to postpone consider-  
17 ation of the Commission bill, or to a motion to  
18 proceed to the consideration of other business.  
19 A motion to reconsider the vote by which the  
20 motion to proceed is agreed to or not agreed to  
21 shall not be in order. If the motion to proceed  
22 is agreed to, the Senate or the House of Rep-  
23 resentatives, as the case may be, shall imme-  
24 diately proceed to consideration of the Commis-  
25 sion bill without intervening motion, order, or

1 other business, and the Commission bill shall  
2 remain the unfinished business of the Senate or  
3 the House of Representatives, as the case may  
4 be, until disposed of.

5 (C) LIMITED DEBATE.—Debate on the  
6 Commission bill and all amendments thereto  
7 and on all debatable motions and appeals in  
8 connection therewith shall be limited to not  
9 more than 50 hours, which shall be divided  
10 equally between those favoring and those oppos-  
11 ing the Commission bill. A motion further to  
12 limit debate on the Commission bill is in order  
13 and is not debatable. All time used for consider-  
14 ation of the Commission bill, including time  
15 used for quorum calls (except quorum calls im-  
16 mediately preceding a vote) and voting, shall  
17 come from the 50 hours of debate.

18 (D) AMENDMENTS.—No amendment that  
19 is not germane to the provisions of the Commis-  
20 sion bill shall be in order in the Senate. In the  
21 Senate, an amendment, any amendment to an  
22 amendment, or any debatable motion or appeal  
23 is debatable for not to exceed 1 hour to be di-  
24 vided equally between those favoring and those  
25 opposing the amendment, motion, or appeal.

1           (E) VOTE ON FINAL PASSAGE.—Imme-  
 2           diately following the conclusion of the debate on  
 3           the Commission bill, and the disposition of any  
 4           pending amendments under subparagraph (D),  
 5           the vote on final passage of the Commission bill  
 6           shall occur.

7           (F) OTHER MOTIONS NOT IN ORDER.—A  
 8           motion to postpone consideration of the Com-  
 9           mission bill, a motion to proceed to the consid-  
 10          eration of other business, or a motion to recom-  
 11          mit the Commission bill is not in order. A mo-  
 12          tion to reconsider the vote by which the Com-  
 13          mission bill is agreed to or not agreed to is not  
 14          in order.

15          (2) CONSIDERATION BY OTHER HOUSE.—If, be-  
 16          fore the passage by one House of the Commission  
 17          bill that was introduced in such House, such House  
 18          receives from the other House a Commission bill as  
 19          passed by such other House—

20               (A) the Commission bill of the other House  
 21               shall not be referred to a committee and may  
 22               only be considered for final passage in the  
 23               House that receives it under subparagraph (C);

24               (B) the procedure in the House in receipt  
 25               of the Commission bill of the other House, with

1           respect to the Commission bill that was intro-  
 2           duced in the House in receipt of the Commis-  
 3           sion bill of the other House, shall be the same  
 4           as if no Commission bill had been received from  
 5           the other House; and

6                   (C) notwithstanding subparagraph (B), the  
 7           vote on final passage shall be on the Commis-  
 8           sion bill of the other House.

9           Upon disposition of a Commission bill that is re-  
 10          ceived by one House from the other House, it shall  
 11          no longer be in order to consider the Commission bill  
 12          that was introduced in the receiving House.

13           (3) CONSIDERATION IN CONFERENCE.—

14                   (A) CONVENING OF CONFERENCE.—Imme-  
 15          diately upon final passage of a Commission bill  
 16          that results in a disagreement between the two  
 17          Houses of Congress with respect to a Commis-  
 18          sion bill, conferees shall be appointed and a  
 19          conference convened.

20                   (B) ACTION ON CONFERENCE REPORTS IN  
 21          THE SENATE.—

22                           (i) MOTION TO PROCEED.—The mo-  
 23          tion to proceed to consideration in the Sen-  
 24          ate of the conference report on a Commis-  
 25          sion bill may be made even though a pre-



1           vious motion to the same effect has been  
2           disagreed to.

3           (ii) DEBATE.—Consideration in the  
4           Senate of the conference report (including  
5           a message between Houses) on a Commis-  
6           sion bill, and all amendments in disagree-  
7           ment, including all amendments thereto,  
8           and debatable motions and appeals in con-  
9           nection therewith, shall be limited to 20  
10          hours, equally divided and controlled by  
11          the majority leader and the minority leader  
12          or their designees. Debate on any debat-  
13          able motion or appeal related to the con-  
14          ference report (or a message between  
15          Houses) shall be limited to 1 hour, to be  
16          equally divided between, and controlled by,  
17          the mover and the manager of the con-  
18          ference report (or a message between  
19          Houses).

20          (iii) CONFERENCE REPORT DE-  
21          FEATED.—Should the conference report be  
22          defeated, debate on any request for a new  
23          conference and the appointment of  
24          conferrees shall be limited to 1 hour, to be  
25          equally divided between, and controlled by,

the manager of the conference report and the minority leader or the minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to ½ hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

(iv) AMENDMENTS IN DISAGREEMENT.—In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the mi-

1                   nority leader's designee. No amendment  
 2                   that is not germane to the provisions of  
 3                   such amendments shall be received.

4                   (v) LIMITATION ON MOTION TO RE-  
 5                   COMMIT.—A motion to recommit the con-  
 6                   ference report is not in order.

7           (c) RULES OF THE SENATE AND THE HOUSE OF  
 8 REPRESENTATIVES.—This section is enacted by Con-  
 9 gress—

10           (1) as an exercise of the rulemaking power of  
 11           the Senate and the House of Representatives, re-  
 12           spectively, and is deemed to be part of the rules of  
 13           each House, respectively, but applicable only with re-  
 14           spect to the procedure to be followed in that House  
 15           in the case of a Commission bill, and it supersedes  
 16           other rules only to the extent that it is inconsistent  
 17           with such rules; and

18           (2) with full recognition of the constitutional  
 19           right of either House to change the rules (so far as  
 20           they relate to the procedure of that House) at any  
 21           time, in the same manner, and to the same extent  
 22           as in the case of any other rule of that House.

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